

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EVERETT L. SAMPSON,

Applicant,

v.

No. CIV-05-1210 BB/LAM

C. MICHAEL MARTIN, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION (DOC. 35)**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 35*) (hereinafter, "PF&RD"), filed on November 20, 2007. The parties have not filed objections to the PF&RD and the time for filing objections has passed. The Court has reviewed the PF&RD, the record of this case and relevant law, and determined that it will adopt the PF&RD; grant Respondents' Motion to Dismiss (*Doc. 29*); deny Applicant Everett L. Sampson's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (*Doc. 1*) as without merit; and enter a judgment dismissing this case with prejudice.

IT IS THEREFORE ORDERED that:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 35*) are **ADOPTED** by the Court;
2. Respondents' Motion to Dismiss (*Doc. 29*) is **GRANTED**;

3. Mr. Sampson's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (*Doc. 1*) is **DENIED** as without merit; and

4. This case be **DISMISSED WITH PREJUDICE** in a final judgment entered concurrently with this order.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bruce D. Black", is positioned above a horizontal line.

HONORABLE BRUCE BLACK
UNITED STATES DISTRICT JUDGE